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REMARKS

Claims 9, 12 and 15 are currently amended. Claims 1-7 and 9-20 remain before the Examiner for reconsideration. Claim 8 was previously canceled.

The Examiner has accepted the drawings filed by Applicants on May 18, 2006. Specifically, the Examiner indicated that:

The drawings were received on May 18, 2006. These drawings are acceptable.

The Examiner objected to Claim 15 under 37 CFR 1 75(c), "as being of improper dependent form for failing to further limit the subject matter of a previous claim." Specifically, the Examiner indicated that:

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 13 already requires an explosion-proof housing.

Applicants have amended Claim 15 to obviate the Examiner's objection.

The Examiner rejected Claim 12 under 35 U.S.C. 112, first paragraph, "as failing to comply with the enablement requirement." Specifically, the Examiner asserted that:

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not describe an energy source which emits energy in the visible light spectrum for the purpose of interaction.

With respect to Applicants argument on this point set forth in the Amendment filed May 18, 2006, the Examiner further asserted that:

Applicant's arguments filed May 18, 2006 have been fully considered but they are not persuasive.

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With respect to the rejection under 35 U.S.C. 112, first paragraph, the quoted portion of the specification describes an energy source which emits visible energy in the visible light spectrum for the purpose of communicating information. The quotation does not reply to the rejection.

For at least the reasons explained above, Applicant is not entitled to a favorable determination of patentability in view of the arguments submitted May 18, 2006.

Applicants respectfully traverse the Examiner's rejection.

Applicants respectfully assert that there is clear support in the specification, in light of the knowledge of those skilled in the art, for an energy source that emits energy in the visible light spectrum to interact with the analyte and to transmit information from the sensor through the transmissive section. Indeed, a number of currently available sensors include energy sources that emit energy in, for example, both the infrared and visible wavelengths to interact with the analyte. See, for example, paragraph [0004] of the present specification.

Nonetheless, in the interest of expedient prosecution of several embodiments of the present invention, Applicants have amended Claim 12 to indicate that the energy source emits energy in the visible light spectrum to transmit information from the sensor through the transmissive section. There is clear support for this limitation in the specification. In paragraph [0042] of the specification, for example, it is set forth that:

Similarly, other information can be transmitted by, for example, varying the pulse/duration of infrared energy source 230. Infrared energy source 230 can also, for example, be modulated/pulsed to transmit information in a digital format. Infrared energy source 230 can emit light in the visible spectrum so that a user can directly visualize the signal through window 260.

Applicants reserve the right to reassert the earlier claimed subject matter.

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The Examiner rejected Claims 9-11 under 35 U.S.C. 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Specifically, the Examiner asserted that:

Claim 9 depends upon a canceled claim. There is no basis on which to judge upon which claim it should depend. The balance of the claims is rejected on the basis of their dependence.

Applicants have amended Claim 9 to obviate the Examiner's rejection.

The Examiner further indicated that:

Claims 1-7 and 13-20 are allowed.

Claims 9-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Applicants respectfully acknowledge the Examiner's indication of the allowability and in view of the above amendments and remarks, Applicants respectfully request that the Examiner withdraw his objections and rejections of the claims, indicate the allowability of all the claims and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,
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